

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application, for indicating the acceptance of the formal drawings filed on July 8, 2008, and for the courtesies extended during the Examiner Interview of May 21, 2008.

Disposition of Claims

Claims 59-98 and 100-103 were pending in the present application. By way of this reply, claims 60, 63, 70, 74, 77, 84, 88, 89, and 94 are canceled without prejudice or disclaimer. Accordingly, claims 59, 61, 62, 64-69, 71-73, 75, 76, 78-83, 85-87, 90-93, and 95-103 are now pending in the present application. Claims 59, 73, 87, and 97 are independent. The remaining claims depend, either directly or indirectly, from claims 59, 73, 87, and 97.

Claim Amendments

By way of this submission, independent claims 59, 73, 87, and 97 are amended for clarification. Specifically, claim 59 is amended to incorporate the subject matter of now canceled claims 60, 63, and 70; claim 73 is amended to incorporate the subject matter of now canceled claims 74, 77, and 84; and claims 87 and 97 are amended to incorporate the subject matter of now canceled claims 88, 89, and 94. Further, dependent claims 61, 62, 64-69, 71, and 72 are amended to correct antecedent basis issues related to the aforementioned amendments. Applicants respectfully assert that no new matter is introduced by way of these amendments as support for these amendments may be found, for example, in paragraphs [0085], [0086], [0111], [0112], [0147], [0160], [0161], [0167],

[0168], [0169], [0170], [0175], and [0176], and in the corresponding figures of the originally-filed specification, and in the originally-filed claims.

Rejections under 35 U.S.C. § 101

Claims 59-72 stand rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. Specifically, the Examiner asserts the limitations of independent claim 59 fails to meet the machine-or-transformation test. *See* Action, page 2. Claims 60, 63, and 70 are canceled, therefore this rejection is moot as to those claims. As for the remaining claims, for the reasons set forth below, this rejection is respectfully traversed.

By way of this reply, independent claim 59 is amended to recite, in part, the existence of and use of a computer, in accordance with the Examiner's recommendations made during the Examiner Interview of May 21, 2008. Support for this amendment may be found, for example, in figure 1 of the application. Accordingly, amended independent claim 59 and dependent claims 60-72 comply with the machine-or-transformation test, and withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 59-65, 68-70, 73-79, 82-84, 87-89, 92-94, 97, and 98

Claims 59-65, 68-70, 73-79, 82-84, 87-89, 92-94, 97, and 98 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,913,061 (hereinafter "Gupta"). By way of this reply, claims 60, 63, 70, 74, 77, 84, 88, 89, and 94 are canceled, so the rejection is moot as to those claims. As for the remaining claims, for the reasons set forth below, this rejection is respectfully traversed.

"To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). *See*, MPEP § 706.02(j). Applicants respectfully assert that the Examiner has failed to do so.

If the Examiner does not produce a *prima facie* case, Applicant is under no obligation to submit evidence of non-obviousness. The initial evaluation of *prima facie* obviousness thus relieves both the Examiner and Applicant from evaluating evidence beyond the prior art and the evidence in the specification as filed until the art has been shown to suggest the claimed invention. *See*, MPEP § 2142.

The Examiner contends that Gupta discloses or renders obvious each and every limitation of amended independent claim 59. *See* Action, pages 3 and 4. Applicants respectfully disagree with the Examiner's contentions. Specifically, Applicants assert that the Examiner is mischaracterizing the prior art reference, which is improper.

Briefly, Gupta discloses a modular application collaborator for providing interoperability between applications including a plurality of connectors for communicating with a like plurality of applications and an interchange server. The interchange server includes an application collaboration module and a service module. The service module transfers messages between connectors and the application collaboration module. Gupta further discloses the application collaboration module defining the interoperability between two or more applications and includes a trigger and a

transaction responsive to the trigger. The trigger is activated upon receipt of data from one or more connectors resulting in the transaction delivering data to one or more connectors for transfer to an associated application. *See* Gupta, Abstract.

However, Gupta fails to disclose or render obvious the limitation directed to alerting the customer of a first HR service requiring execution after identifying the event. Gupta is in fact *completely silent* as to this limitation. Alerting a customer of a first HR service is an example of one of the various functionalities that allow the claimed invention to better serve customers. *See, e.g.*, the instant specification, [0085]. Specifically, alerting a customer to an HR service may allow the customer to better organize his HR tasks. Accordingly, Gupta fails to disclose or render obvious this subject matter.

Further, Gupta also fails to disclose or render obvious the limitations directed to dividing, using the computer, the first update task and the second update task, wherein the first update task is placed into a critical list and the second update task is placed into a non-critical list, prioritizing, using the computer, the first update task as a critical task after placing the first update task into the critical list, prioritizing, using the computer, the second update task as a non-critical task after placing the second update task into the non-critical list, and scheduling execution of the first update task and the second update task based on priority of the critical task and the non-critical task. Gupta is again *completely silent* as to these limitations. Assigning priorities to the tasks and ordering their execution according to their priorities is another example of a functionality of the claimed invention that allows it to better serve customers. Specifically, critical and non-critical tasks may be executed in order of their criticality (*i.e.* how important they are and whether they are critical or non-critical

tasks), based on the priorities assigned to them. *See, e.g.*, the instant specification, [0111]. As agreed to by the Examiner in the Examiner Interview of May 21, 2008, the priority functionality of critical and non-critical tasks is not disclosed or rendered obvious by Gupta.

Finally, Gupta fails to disclose or render obvious the limitation directed to “wherein subscriptions allow the customer access to the first HR service and the second HR service.” Gupta merely teaches receiving a subscription from an object (applications, connectors, collaborations or interchange servers). A subscription service stores the subscription in a subscription list. Upon receipt of an event notification (based on a trigger), a publication service checks the subscription list to determine whether there are any objects which have registered an interest in the received event. If an object has subscribed to the event, then the publication service delivers an object associated with the event notification to each object in the subscription list requesting notification of the particular event. *See Gupta*, column 7, lines 19-31, Figures 2-4.

Gupta teaches *objects* that subscribe to *events*. The amended independent claims recite a customer holds subscriptions that allow access to a first HR service and a second HR service. Thus, the amended independent claims disclose subscriptions that allow *customers* access to *HR services*. The Examiner thus equates objects to customers, and events to HR services. Applicants assert that *objects* and *customers* are clearly not equivalent, *events* and *HR services* are clearly not equivalent, and that *objects* that subscribe to *events* are clearly not equivalent to *customers* that access *HR services*. Applicants assert that the Examiner is mischaracterizing the teachings of Gupta, which is wholly improper. Accordingly, Gupta fails to disclose or render obvious the amended independent claims.

As described above, Gupta fails to disclose or render obvious each and every limitation of the amended independent claims. Therefore, the Examiner's contentions do not support the rejections of independent claims 59, 73, 87, and 97. The remaining claims depend, either directly or indirectly, from independent claims 59, 73, 87, and 97. Accordingly, the Examiner's contentions also do not support the rejection of claims 61, 62, 64, 65, 68, 69, 75, 76, 78, 79, 82, 83, 92, 93, and 98, and withdrawal of this rejection is respectfully requested.

Claims 66, 67, 71, 72, 80, 81, 85, 86, 90, 91, 95, 96, and 100-103

Claims 66, 67, 71, 72, 80, 81, 85, 86, 90, 91, 95, 96, and 100-103 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gupta, in view of that which is obvious to one of ordinary skill in the art. For the reasons set forth below, this rejection is respectfully traversed.

As described above, Gupta fails to disclose or render obvious each and every limitation of the amended independent claims. Further, that which is obvious to one of ordinary skill in the art does not disclose or render obvious that which Gupta lacks as evidenced by the fact that the Examiner relies on that which is obvious to one of ordinary skill in the art *solely* for the purpose of disclosing monitoring a variety of events. *See* Action, page 6. Thus, Gupta and that which is obvious to one of ordinary skill in the art, whether viewed separately or in combination, do not disclose or render obvious each and every limitation of the amended independent claims. Therefore, the Examiner's contentions do not support the rejections of independent claims 59, 73, 87, and 97. The remaining claims depend, either directly or indirectly, from independent claims 59, 73, 87, and 97. Accordingly, the Examiner's contentions also do not support the rejection of claims 66, 67, 71,

72, 80, 81, 85, 86, 90, 91, 95, 96, and 100-103, and withdrawal of this rejection is respectfully requested.

Conclusion

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 37202/107001).

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Respectfully submitted,

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